

08-20-2001  
U.S. Patent & TMO/TM Mail Rcpt Dt. #76

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 75/908,221  
Published for Opposition on November 21, 2000  
Mark: JAGSONVILLE

NATIONAL FOOTBALL LEAGUE PROPERTIES, INC.  
and JACKSONVILLE JAGUARS, LTD.,

Opposition No.

Opposers,

vs.

APPLIED MAPPING, INC.,

Applicant.

NOTICE OF OPPOSITION

10/12/2001 WANDERSO 00000010 75908221  
01 FC:377 300.00 OP

Refund Ref:  
10/12/2001 WANDERSO 0000110885

CHECK Refund Total: Opposers National Football League Properties, Inc. ("NFLP"), a California corporation

with its principal place of business located at 280 Park Avenue, New York, New York 10017 and Jacksonville Jaguars, Ltd. (the "Jaguars"), a Florida limited partnership with its principal place of business located at One ALLTELL Stadium Plaza, Jacksonville, Florida 32202, believe they will be damaged by registration of the mark that is the subject of the above-referenced application and hereby oppose the same.

08/30/2001 SREED1 00000173 231705 75908221  
01 FC:377 200.00 CH 400.00 OP

As grounds for opposition, it is alleged that:

1. Opposer NFLP has been licensed exclusively by the National Football League ("NFL") of the thirty-two (32) member clubs of the NFL (the "Member Clubs"), including the Jaguars, to use their respective trademarks for commercial purposes, to promote the NFL and its Member Clubs and to protect their trademarks. NFLP has licensed hundreds of

companies to use the marks of the NFL and its Member Clubs, including those of Opposer, the Jaguars, in promotion of their products and services.

2. To identify and distinguish their respective professional football teams, the entertainment services which they provide, and the officially licensed merchandise related thereto, the NFL Member Clubs, including the Jaguars, adopt and use in interstate commerce various names, terms, symbols, emblems, slogans, designs, colors and other identifying marks ("NFL Trademarks"). Among the NFL Trademarks are full team names and nicknames, game uniform designs, helmet logos and other names, symbols and slogans which identify the NFL and its Member Clubs.

3. Opposer the Jaguars owns and operates the Jacksonville Jaguars NFL football franchise.

4. For many years and long prior to both March 5, 1999, the claimed date of first use of the application herein opposed, and January 28, 2000, the filing date of the application herein opposed, the Jaguars have adopted and used several trademarks in connection with the business of organizing, conducting and promoting the Jaguars' professional football franchise in the NFL, including, inter alia, the word marks JACKSONVILLE JAGUARS and JAGS (collectively, the "Jaguars Marks"). The Jaguars and the NFL own several federal and state trademark registrations for the Jaguars Marks for use in connection with entertainment services in the form of football games and exhibitions. The Jaguars Marks are famous to the public because of the widespread use of said marks, the great popularity of NFL football and the Jaguars, and the extensive media coverage of the NFL and, in particular, the Jaguars.

5. During their long, widespread and continuous use of the Jaguars Marks in connection with the promotion of products and services, Opposers and authorized licensees have

expended considerable time, effort and money in advertisement, promotion and sale of services promoted in conjunction with the Jaguars Marks. The Jaguars Marks embody great value and considerable goodwill exclusively belonging to Opposers.

6. Since the mid-1990s, the NFL, Opposers and authorized licensees have used the word mark JAGS many hundreds of times, including on the official Jaguars website at <www.jaguars.com>, when referring to the Jacksonville Jaguars football franchise and its players. Similarly, the print and broadcast media have used the word mark JAGS many hundreds of times when referring to the Jacksonville Jaguars football franchise and its players. Such widespread use by the Jaguars, the NFL, authorized licensees and the media of the JAGS Mark when referring to the Jacksonville Jaguars football franchise has contributed to the strong public association of the JAGS Mark with the Jacksonville Jaguars, and such use inures exclusively to the benefit of Opposers. See Exhibit A for examples of self-referential use by the Jaguars and the NFL of the term "Jags." See Exhibit B for examples of media references (relevant excerpts) to the Jacksonville Jaguars using the term "Jags."

7. Opposer the Jaguars (or the NFL) is the owner of, inter alia, the following federal registrations:

<u>Reg. No.</u>	<u>Mark/Design</u>	<u>International Class(es)</u>
2,019,500	JACKSONVILLE JAGUARS	16, 25, 28
2,274,675	JACKSONVILLE JAGUARS	41
2,167,854	JACKSONVILLE JAGUARS Design	16, 25, 41

8. By the application herein opposed, Applicant seeks to register the mark JAGSONVILLE for providing an online computerized, interactive database of real property information for a specified geographic area. Applicant is based and provides its services in the

same geographic area as Opposer the Jaguars, namely, Jacksonville, Florida. Applicant's online computerized, interactive database provides information specific to the geographic area of Duval County, Florida, the county encompassing Jacksonville, Florida. Applicant's JAGSONVILLE mark is therefore likely to cause confusion or mistake or to deceive, with consequent injury to Opposers and the public. Applicant's use of the mark will likely lead to the mistaken belief that the Applicant's services originate with, or are affiliated with, or are sponsored by, NFLP and the Jaguars; will falsely suggest a connection between Applicant and/or its services and Opposers; and will dilute the distinctive and famous quality of the Jaguars Marks.

9. Opposers will be damaged by the registration sought by the Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposers.

10. Registration should be refused pursuant to Section 2(a) of the Trademark Act of 1946, as amended (the "Lanham Act") (15 U.S.C. Section 1052(a)), on the grounds that Applicant's JAGSONVILLE mark falsely suggests a connection between Applicant and the Opposers named herein, to the damage of Opposers.

11. Registration should be refused pursuant to Section 2(d) of the Lanham Act (15 U.S.C. Section 1052(d)), on the grounds that Applicant's JAGSONVILLE mark so resembles the Jaguars Marks as to cause confusion, mistake and/or deception, all to the damage of Opposers.

12. Registration should be refused pursuant to Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), on the grounds that Opposers will be damaged by the registration sought by Applicant because the registration will dilute the distinctive and famous quality of the Jaguars Marks.

WHEREFORE, Opposers, National Football League Properties, Inc. and Jacksonville Jaguars, Ltd., pray that Applicant be refused registration of the JAGSONVILLE mark for services identified in Applicant's Application Serial No. 75/908,221, and that this

Opposition be sustained in favor of Opposers.

The Notice of Opposition is being filed in duplicate as required by 37 C.F.R. § 2.104(a). Pursuant to 37 C.F.R. §2.6(a)(17), please find a check in the requisite amount of four hundred dollars (\$400.00) to cover the statutory fee for filing a Notice of Opposition by two Opposers. Please charge any additional amounts to Deposit Account No. 23-1705.

All communication should be addressed to Opposers' counsel, White & Case LLP,  
at the below stated address.

Dated: New York, New York  
August 20, 2001

Respectfully Submitted,

WHITE & CASE LLP

By: Claudia T. Bogdanos  
Robert L. Raskopf  
Claudia T. Bogdanos

1155 Avenue of the Americas  
New York, New York 10036-2787  
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James H. Sullivan

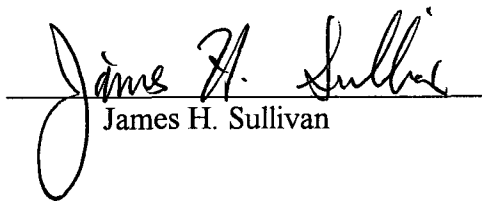
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NOTICE OF OPPOSITION  
In the Matter of Trademark Application

Serial No. 75/908,221  
Mark: JAGSONVILLE  
Filed: January 28, 2000  
Published: November 21, 2000


EXPRESS MAIL: EL655167182US  
Date of Deposit: August 20, 2001

I hereby certify that the above-identified Notice of Opposition is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to Assistant Commissioner for Trademarks, BOX TTAB FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

  
James H. Sullivan



A








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**JAGUARS NEWS**

**Boselli suffers bone bruise in knee**  
8/20/2001

The news came as a breath of fresh air. The knee injury star offensive left tackle Tony Boselli suffered in Sunday morning's practice was diagnosed Sunday afternoon to be a bone bruise in his right knee.


**ONLINE EVENTS**

- 8/20 - 6:00-7:00 pm:  
The Jaguars Reporters
- 8/21 - 1:00-1:30 pm:  
jaguars.com Live!
- 8/21 - 6:00-7:00 pm:  
Tom Coughlin Show
- 8/22 - 5:00-7:00 pm:  
Jaguars This Week

**ASK VIC**

**No room to add significant salary**  
8/20/2001

Join *Jaguars Inside Report* Senior Editor Vic Ketchman as he tackles the fans' tough questions.



**JAGUARS NEWS**

**Boselli carted off with knee injury**  
8/19/2001

The Jaguars were in a state of shock as they left the field this morning, following a practice that caused star left offensive tackle Tony Boselli to be carted from the field after suffering an injury in the area of his right knee. Boselli underwent surgery on the anterior cruciate ligament in that knee in January of 2000.

**TRAINING CAMP REPORT**

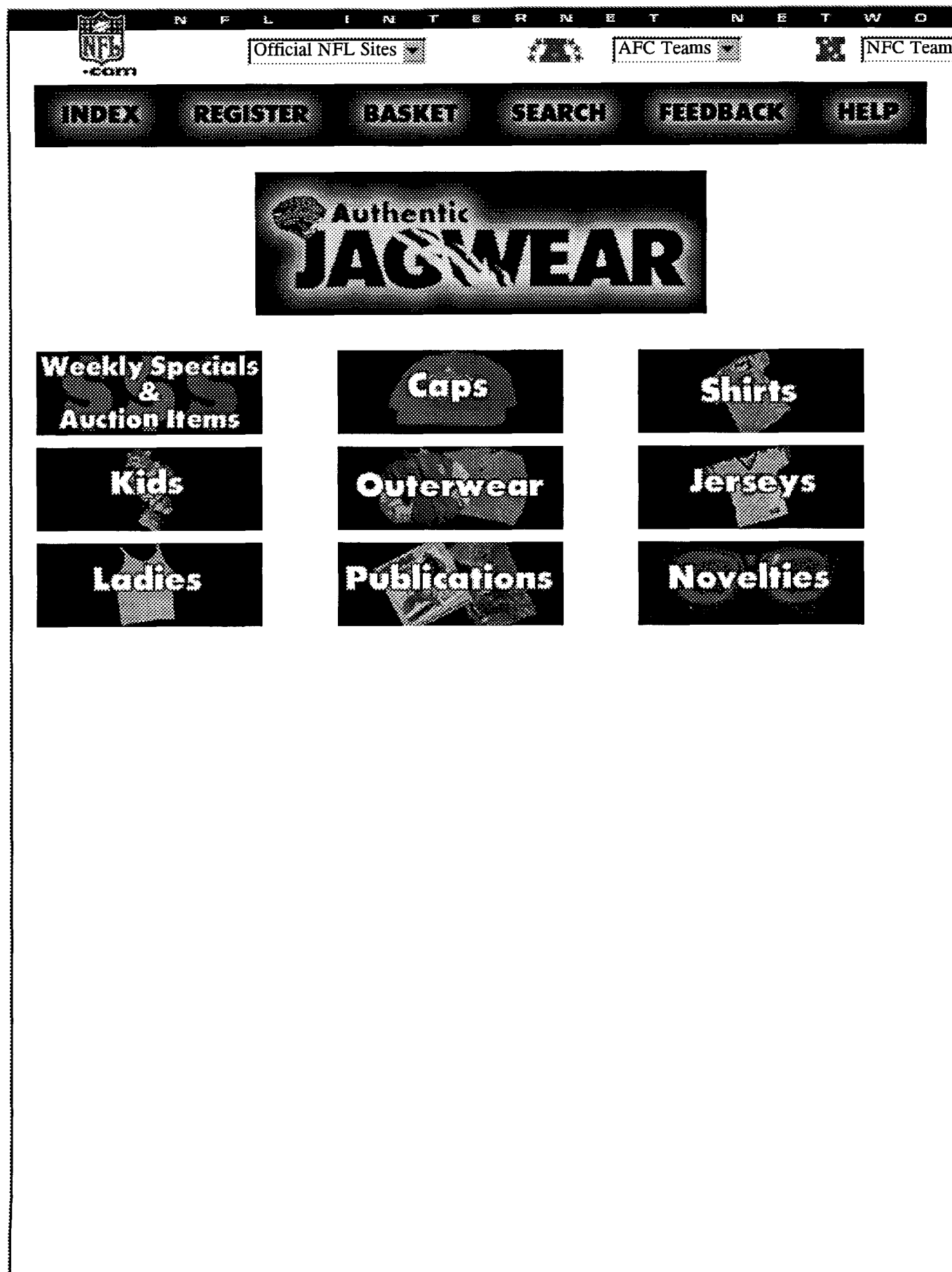
**Jimmy Smith may play against Chiefs**  
8/18/2001

The possibility exists that Jimmy Smith will make his preseason debut this Thursday when the Jaguars host the Kansas City Chiefs. "We'll see how he practices. He needs to work in the heat to build his endurance up," coach Tom Coughlin said following this afternoon's practice, when Coughlin was asked if Smith will play against the Chiefs.

**JAGUARS NEWS**

**McCardell surgery compounds problem at WR**









## Smith at the 'core' of Jags' hopes

5/10/2001

By Vic Ketchman, *Jaguars Inside Report* Senior Editor

They continue to cling to the "core" theory. The Jaguars believe that since they were able to retain their core players this offseason, the team will be competitive for a playoff berth in 2001.

Not everyone shares that belief. This is truly a matter of perception. What is yours? Are you a half-full or a half-empty person?

The truly cynical, which is to say the media that is paid to notice that which the public would otherwise ignore, would point to a roster that, in terms of new faces, is a salute to the Jaguars' first-ever training camp in Stevens Point, Wis. Forty-seven new faces? Seventeen rookies on the final roster? Somebody call the Elias Sports Bureau. Has any team ever won a Super Bowl, or even made the playoffs, with 17 rookies on its roster?

More on that this summer.

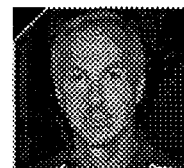
Tony Boselli is not a "half-empty" guy, but Boselli doesn't go through life wearing rose-colored glasses, either. He maintains a realistic grasp of football, is admittedly a sports fan and, therefore, is prone to gossipy speculation for no other reason than it's fun. That having been said, his opinions have often proven to be the product of logic and vision, and on a mini-camp weekend when new faces outnumbered old and made it official that the first era of Jaguars football is over, Boselli refused to join the growing ranks of doubters.

"I don't know half the guys on the team, but we still have a core. If a couple of rookies can step up, and if we don't have injuries, we'll have a really good team," Boselli predicted.

His is the "half-full" approach, but it is not without disclaimer: If their draft is good and their star players don't get hurt, then, everything will be OK. It makes sense.

Unfortunately, one of their most valuable players, Jimmy Smith, is already hurt, and there is no one within the ranks of their rookies to take his place. Smith's is a story that will determine whether or not this season can be anything more than rebuilding, and the final chapter on Smith could be written before training camp begins.

That's what has the "half-empty" crowd growing in numbers. This team can't win without Smith. It has proven as much. It was 4-7 in 1996 when he became a starter, then Smith led the Jaguars to four consecutive playoff seasons and two AFC title games.



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## Jags fortunate to not be a 'player'

3/6/2001

By Vic Ketchman, jaguars.com Senior Writer

Following a winter of singular thought and purpose -- repairing the salary cap -- the intensity with which that all came to an end last Friday has left the Jaguars in somewhat of a lull.

Here it is, the first full week of free agency and the Jaguars aren't even a player in the NFL's annual trap for fools. That's the good news. This year, free agency won't dig the Jaguars an even deeper financial hole.

Who will be the next Jaguars? How about the Tampa Bay Bucs? In the last two years, they've traded away two first-round picks for a wide receiver who didn't make the difference, and now they've dropped a ton of money on Brad Johnson. Apparently, this is the Bucs' window-of-opportunity season.

Does it make you wonder why learned and successful men refuse to learn from the repeated mistakes of others? Didn't the Redskins teach everyone a lesson?

### ADVERTISEMENT

It is to the Jaguars' great advantage that they can not be a player in free agency this year. Here's why.

The Jaguars' salary cap constraints will force them to pursue more passionately the least expensive and most productive venue for new-player acquisition. Of course, the NFL draft is that venue.

That's not to say the Jaguars haven't approached past drafts with great vim and vigor. They have. However, in the past their drafts have been conducted in coordination with their free-agency signings. Moreover, because the draft follows the start of free agency, the draft was often used as an adjunct to free agency, and that's a mistake. The draft is too important to ever be treated as secondary.

Consider this: In Feb. of 1996, the Jaguars signed Leon Searcy to what was then the richest contract of any offensive lineman in pro football history. With Searcy joining 1995 second-pick-of-the-draft Tony Boselli at tackle, and with '95 second-round pick Brian DeMarco having to move from tackle to guard, there was no doubt in anyone's mind the Jaguars would not pick a tackle early in the '96 draft. They didn't. They selected linebacker Kevin Hardy with the second overall selection.

You could argue that it all worked out for the best. The acquisitions of Searcy and Hardy allowed the Jaguars to rise quickly to the top of the AFC. However, would anyone say now they shouldn't have selected tackle Jonathan Ogden?

In this year's draft, the Jaguars will have no prized free agents to turn them away from particular positions in the draft. They have intense need for offensive and defensive linemen, a linebacker and probably another wide receiver, but more than needs at specific positions, the Jaguars need a lot of productive players at a lot of



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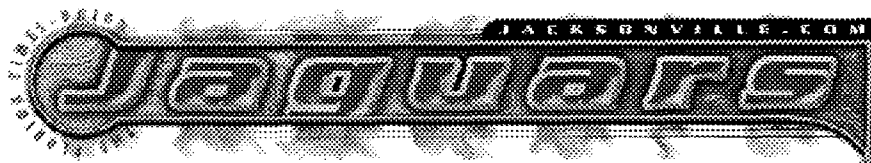
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Monday, August 20, 2001



TOP STORY

## Boselli injures knee, out indefinitely

At 9:57 a.m. at Ferrell Fields yesterday, it was so quiet you could almost hear a pin and a season drop.

The Jaguars watched in stunned silence as practice came to a halt while the trainers huddled around offensive tackle Tony Boselli, who was screaming in pain on the ground after injuring his knee while pass blocking on a routine play. (FULL STORY)



MARK WOODS

### Mark Woods: Injury bug can really hurt Jaguars

Hardy Nickerson felt queasy. Not because of heatstroke, flu or any other physical ailment.

### Teammates shaken by Boselli's injury

The screams and the frightened look on Tony Boselli's face unsettled teammate Hardy Nickerson the most.

### Jaguars notes

A roundup of Jaguars briefs.

### Camp report

Daily Jaguars training camp report.

### THIS WEEK

SUNDAY

### Jags' Smith ready to play; Coughlin remains cautious

The Jaguars, who lost one starting wide receiver Thursday, may be on the verge of getting one back.

SATURDAY

### Another setback for Jags

Just as the Jaguars were possibly set to welcome back Jimmy Smith to game action next week against the Kansas City Chiefs, the team suffered a major setback with its other starting wide receiver.

#### JAGUARS TRAINING CAMP

Watch for **midday updates** and video from Camp Coughlin throughout Jags Camp! **Click Here for the Jags Camp schedule** and watch for the updates.

See the entire **2001 NFL Preseason Schedule**.



#### GAME UPDATES

Drive summaries and quarterly updates from the last game.

#### NEXT GAME

Thu., Aug. 23 vs.  
**Kansas City Chiefs,**  
7:30 p.m. (WJXT)

#### LAST GAME

Jacksonville 5  
NY Giants 27  
(Game Recap)

#### WHAT THEY'RE SAYING

FRIDAY

**Touchdown drought drags on in blowout**

EAST RUTHERFORD, N.J. -- Start with a big, physical team playing at home after being embarrassed on the road in its preseason opener.

THURSDAY

**Preseason battle of contrasts**

EAST RUTHERFORD, N.J. -- It is the unlikeliest of rivalries -- the matchup pitting one of the NFL's oldest teams in the biggest market against one of the NFL's newest teams in one of the smallest markets.

WEDNESDAY

**Feeling the heat**

The Jaguars held cornerback Fernando Bryant out of both training camp practice sessions yesterday.

TUESDAY

**Tuesday morning camp update**

Cornerback Fernando Bryant dressed out but didn't participate in Tuesday morning's practice, less than a day after being hospitalized briefly because of dehydration. Bryant is one of at least five Jaguars struggling with the flu, Coach Tom Coughlin said, and the added factor of high heat this week has made their regimen even more grueling.

Giants headlines from the Star-Ledger:

- Barber preparing to play in opener
- Short is long on character
- Barber's back, playing it safe
- Bennett's injury frustrating
- Giants make points with Fassel

Giants msg board

Updated 8/20 at 09:11 a.m.

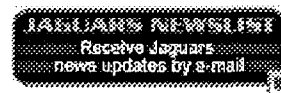
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- Preseason NFL Standings
- Rice Returns, Loses Against 49ers
- Bucs' Christy Out With Sprained Knee
- Rampage 64, Kats 42
- Boselli Injury Diagnosed As Bruise
- Giants' Barber to Play in Opener
- Ray Rhodes Returns to Face Packers
- Packers Waive Defensive Tackle



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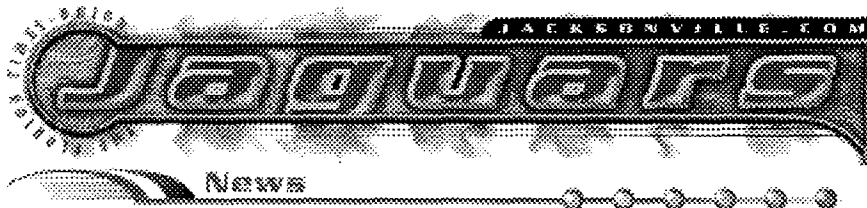
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**Sunday, February 4, 2001**

*Story last updated at 9:48 p.m. on Saturday, February 3, 2001*

## ON THE JAGUARS: All is not well in Jagsonville

**By John Oehser**

*Times-Union sports reporter*

Times change and attitudes do, too. Both have changed around Alltel Stadium. How much may become clear over the next month.

Time was, the Jaguars had plenty of money to give.

This made players happy, so happy they would help the team most any way they could, even if it meant playing for coach Tom Coughlin.

This has changed.

*"That whole, we've-taken-care-of-our-guys-and-I-hope-they-recognize-that' thing - that really doesn't fly for us. Right now, they don't have any money to give, the coach is difficult to play for and guys are tired of it."*

Unidentified Jaguars player; Jan. 31, 2001 The Jaguars don't want to believe the player's view. The strategy for solving the biggest problem in the eight-year history of the cap system depends on players helping the team by restructuring.

The above player quote, from a longtime veteran, doesn't mean that will not happen. It just means it's going to be tougher than the Jaguars' cap minds first thought.

In the past, the Jaguars didn't need help from every important player for cap relief. To clear \$36 million, as they must this season, one official who manages another team's cap said.

"They've got to get help from every player with anything over a minimum salary."





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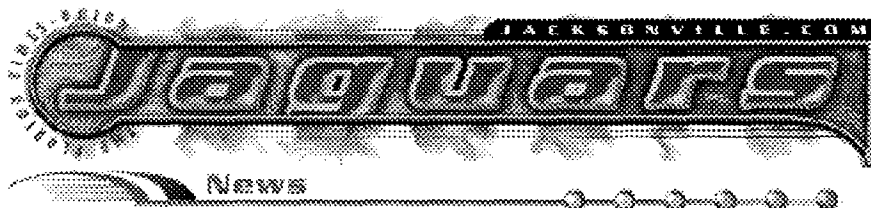
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Saturday, August 18, 2001

Story last updated at 11:47 p.m. on Friday, August 17, 2001

## Another setback for Jags

### McCardell out indefinitely following hernia surgery

By Gene Frenette  
Times-Union sports writer

Just as the Jaguars were possibly set to welcome back Jimmy Smith to game action next week against the Kansas City Chiefs, the team suffered a major setback with its other starting wide receiver.

Keenan McCardell was forced to undergo hernia surgery Thursday afternoon, likely putting the second-leading receiver in franchise history on the sidelines for at least the Sept. 9 season opener against the Pittsburgh Steelers and maybe longer.

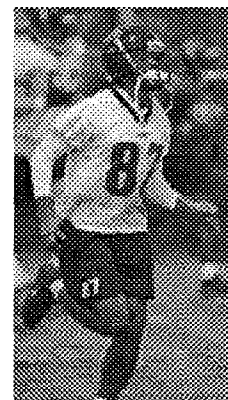
"This thing with Keenan came out of nowhere," said head coach Tom Coughlin, who was still upset by the team's lackluster performance in Thursday night's 27-5 preseason loss to the New York Giants. "No one was more shocked to hear this hernia [surgery] decision than I was.

"We don't know the length of time [for recovery]. It's all speculation there. These things normally take 3-4 weeks and depending on the individual and how the recovery goes, it could be longer and it could be less."

### The Dead Zone

For the first time in

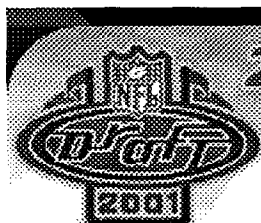
McCardell, who had been practicing off and on since first injuring his groin in a practice against the New Orleans Saints two weeks ago, had to stop practicing Monday afternoon after participating in just seven



Jaguars wide receiver Keenan McCardell is expected to miss the season opener against the Pittsburgh Steelers and maybe more after undergoing a hernia operation Thursday.

-- Rick Wilson/Staff




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## Top pick Stroud better work out for Jags, or else

April 21, 2001

By **Pete Prisco**

SportsLine.com Senior Writer

[Tell Pete your opinion!](#)

JACKSONVILLE, Fla. -- When you think Jaguars football, you think offense. It has been that way since they came into the league in 1995.

They've been fun, exciting and they've scored their share of points.



Tom Coughlin goes away from offense with his selection of defensive tackle Marcus Stroud. (AP)

run stuffer. Despite a glaring hole on the right side of their offensive line at tackle, and with Florida tackle Kenyatta Walker still on the board, Coughlin opted to help his defense.

"We had a running back (Fred Taylor) with 1,400 yards, two receivers (Jimmy Smith and Keenan McCardell) with over 90 catches, a quarterback (Mark Brunell) with 3,600 some yards in passing and a tight end (Kyle Brady) who caught 64 balls and we didn't win very many football games," Coughlin said. "In my opinion, the key will be the resurgence of the defense."

Jacksonville won seven games last season after being a half away from a

And their offense has never put them in the Super Bowl.

Coach Tom Coughlin is tired of having a defense that plays tissue soft in the middle, tired of having a defense that can't stop the run. The Jaguars have never had that powerful run stuffer in the middle, a player who can hold the point of attack.

They do now.

The Jaguars used the 13th pick in the first round of Saturday's draft to select Georgia defensive tackle Marcus Stroud, a 310-pound

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## Jags' Hardy restructures contract so rookie Stroud can sign

July 26, 2001 ■ [Print it](#)

JACKSONVILLE, Fla. -- With an assist from linebacker Kevin Hardy, the Jacksonville Jaguars signed first-round draft pick Marcus Stroud on Thursday, the day before two-a-day practices begin at training camp.

Hardy restructured his contract to give the Jaguars room under the salary cap to sign Stroud, a defensive lineman from Georgia, to a five-year, \$8.4 million contract.

"I'm happy to have this over with and I'm happy to be in camp," said Stroud, the 13th overall pick in the draft who reported and ran with rookies Thursday afternoon. "I didn't have any doubts this would happen. There wasn't much the organization could do, since they were under salary cap issues. We both realized that and did what we could. I feel like I got a great deal. And, remember, I wasn't a holdout."

Going into their seventh season, the Jaguars have had only two rookie holdouts, and only one (Fernando Bryant) that lasted longer than a day.

Had Hardy not agreed to a restructuring, the Jaguars would have been forced to cut one or two low-paid veterans to make room for Stroud. Hardy had balked at helping the Jaguars when they were restructuring the contracts of most of their veterans earlier this year, but he agreed to help at the last minute.

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Re: Notice of Opposition by National Football League Properties, Inc. and Jacksonville Jaguars, Ltd. to Application of Applied Mapping, Inc., Serial No. 75/908,221  
Mark: JAGSONVILLE

To the Assistant Commissioner :

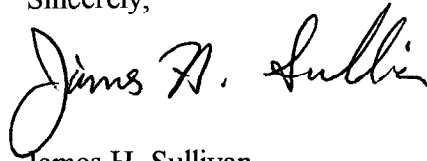
I enclose the original and one copy of the Notice of Opposition by National Football League Properties, Inc. and Jacksonville Jaguars, Ltd. to the above-referenced application. Please find a check in the requisite amount of four hundred dollars (\$400.00) to cover the statutory fee for filing a Notice of Opposition in one International Class by two Opposers. Please charge any additional amounts to Deposit Account No. 23-1705.

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Please stamp and return the enclosed postcard to acknowledge receipt of the Notice of Opposition and the appropriate fee. Please also conduct all correspondence with regard to the above-referenced application with the undersigned

Sincerely,

A handwritten signature in cursive script that reads "James H. Sullivan". The signature is written in black ink and is positioned above the printed name.

James H. Sullivan  
Associate

JHS:jhs